

**DECISION  
GRAFTON PLANNING BOARD**

**MODIFICATION OF DEFINITIVE SUBDIVISION PLAN APPROVAL  
(EXTENSION OF CONSTRUCTION DEADLINE)**

**“Dendee Acres” Subdivision  
Desrosiers Landing  
Off 61 Elmwood Avenue, South Grafton, MA**

**Charles Kady, Jr. (Applicant / Owner)**

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Charles Kady Jr., 129 Charlton Road, Spencer, MA 01562 (hereinafter the APPLICANT), for modification of a Definitive Subdivision Plan Approval Decision to extend the construction deadline (as specified in the Definitive Plan Approval Decision) for completion of the road and associated infrastructure for an nine (9) lot flexible development subdivision on property located off 61 Elmwood Street, South Grafton, including property previously shown as Grafton Assessor’s Map 113, Lot 121. Said subdivision includes the road known as Desrosiers Landing.

The Definitive Plan Approval decision, dated May 24, 2006, is recorded in the Worcester District Registry of Deeds (WDRD) in Book 44980, Page 115. Condition #34 of said Approval Decision requires the subdivision to be completed within two (2) years of the date of the Decision. The deadline for completion was extended until April 7, 2017 by decision of the Planning Board filed with the Town Clerk on March 31, 2016.

**I. BACKGROUND**

The above referenced application for a Modification of a Definitive Plan Approval (hereinafter Application) was submitted on March 22, 2017. A public hearing on the Application was held on April 24, 2017. Notice of the public hearing and the subject matter thereof was published in the Grafton News on April 6<sup>th</sup> and 13<sup>th</sup>, 2017, and posted with the Town Clerk’s Office. Abutters were notified by First Class Mail. At the public hearing, all those wishing to speak to the petition were heard. Following public input the hearing was closed on April 24, 2017.

The following Board members were present during the entire public hearing process: Chairman Michael Scully, Vice Chairman Robert Hassinger, Clerk David Robbins, and Member Linda Hassinger. At the hearing, Charles Kady, Jr. of Kady Builders presented the proposal. The record of the proceedings and submissions upon which this decision is based may be referred to in the Office of the Town Clerk.

**II. SUBMITTALS**

The following Exhibits were submitted to the Board for its consideration of this application:

**EXHIBIT 1.** Unbound Application packet submitted by Charles Kady, Jr. received on March 22, 2017; materials submitted included the following:

- Application for Approval of a Modified Definitive Plan, “Dendee Acres” Subdivision, submitted Charles Kady, Jr., dated March 16, 2017; 2 pages.

- Certificate of Good Standing, signed by the Treasurer / Collector’s Office on March 16, 2017; 1 page.
- Certified List of Abutters, dated March 21, 2017, 2 pages.

**EXHIBIT 2.** Public Hearing Legal Notice Filed with the Town Clerk on April 3, 2017

**EXHIBIT 3.** Memorandum, departmental project review comments, Board of Health, received April 7, 2017, 1 page.

**EXHIBIT 4.** Memorandum, departmental project review comments, Police Chief, received April 10, 2017.

**EXHIBIT 5.** Public Hearing Sign-In Sheet for the April 24, 2017 public hearing; 1 page.

### **III. FINDINGS**

At their meeting of April 24, 2017 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mr. Hassinger) voted 5-0 to make the following Findings:

- F1. That determinations regarding the following findings are based upon the documents and plans identified in this Decision, as well as the information and EXHIBITS submitted and presented in association with the Application.
- F2. That during the public hearing the Applicant reviewed the outstanding construction items (see EXHIBIT #1).
- F3. That during the public hearing Town Planner Joseph Laydon reviewed the status of the subdivision and noted that rather than initiate the process for certification of completeness of the subdivision, an application for the extension of the construction deadline was sought to allow outstanding items such as street lights, hoods on catch basins, and as-built plans to be completed.
- F4. That the Board received written comment from the Board of Health that stated “Served by town water and town sewer, Board of Health as no comments at this time.” (see EXHIBIT #3).

### **IV. DECISION and CONDITIONS**

At their meeting of April 24, 2017 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mr. Hassinger) voted 4-0 to **APPROVE** the application for Modification of Definitive Plan Approval decision with the following conditions:

- C1.)** This approval specifically modifies Condition #34 of the Definitive Plan Approval decision, dated May 24, 2006, is recorded in the Worcester District Registry of Deeds and referenced herein. This approval as presented in this Decision specifically allows an extension of the time period in which to complete the Subdivision (as specified in the above referenced Decision and Conditions of Approval), extending the deadline for completion to **April 7, 2018**.

- C2.) This DECISION shall not take effect until the Applicant has recorded it at the Worcester District Registry of Deeds (WDRD) and provided the Planning Board and the Building Department with a copy of such recording, including the WDRD Book and Page Number and/or Instrument Number.
- C3.) Unless modified by this Decision, all conditions of the previous Definitive Plan Approval decision for the “Dendee Acres” Subdivision recorded in the Worcester District Registry of Deeds and referenced herein, remain in full force and effect.

**V. RECORD OF VOTE**

Constituting a majority of the Planning Board, the following members voted **4-0** to **APPROVE** the modification of a definitive plan approval to extend the period to construct based on the information received at the public hearing and the aforementioned findings.

<u>Michael Scully, Chairman</u>	<u>AYE</u>	<u>Linda Hassinger, Member</u>	<u>AYE</u>
<u>Robert Hassinger, Vice Chairman</u>	<u>AYE</u>		
<u>David Robbins, Clerk</u>	<u>AYE</u>		

**DATE OF FILING OF DECISION: BY ORDER OF THE BOARD**

_____ Joseph Laydon, Town Planner	_____ Date
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- cc: Applicant / Owner
- Graves Engineering
  - Building Inspector
  - Assistant Town Engineer